

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,593	XIE ET AL.	
	Examiner Lee Fineman	Art Unit 2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 4/6/04.
2.  The allowed claim(s) is/are 41-47 and 50-64.
3.  The drawings filed on 8/31/04 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol>
--	---

**DETAILED ACTION**

***Terminal Disclaimer***

1. The terminal disclaimer filed on 6 April 04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,049,426 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***EXAMINER'S AMENDMENT***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

At page 1, line 7, amend the paragraph to read as follows:

This application is a continuation of serial no. 09/432,382, filed 10/29/1999, now U.S. Patent No. 6,285,499 B1, which is fully incorporated herein by reference.

***Allowable Subject Matter***

3. Claims 41-47 and 50-64 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claim 41-45 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest "passing a first optical beam from the first optical port to

the second optical port wherein the first optical beam enters the optical circulator from the first optical port at an angle to the longitudinal axis such that the first optical beam diverges from the longitudinal axis” as set forth in the claimed combination.

Claim 46-47 and 64 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest “wherein the first beam angle turner turns the first optical beam to converge towards a longitudinal axis of the nonreciprocal optical device” and “wherein the second beam turner turns the second optical beam away from the longitudinal axis of the nonreciprocal optical device and the first beam turner turns the second beam back towards the longitudinal axis of the nonreciprocal optical device” as set forth in the claimed combination.

Claim 50-53 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest “wherein the first angle beam turner causes the e-ray and the o-ray to converge to the longitudinal axis” as set forth in the claimed combination.

Claim 54-63 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest “wherein the first compound beam angle turning means turns a first light beam towards the longitudinal axis and turns a second light beam such that the second light beam diverges from the longitudinal axis” and “wherein the second compound beam angle turning means aligns the first light beam with the longitudinal axis and turns the second optical beam towards the longitudinal axis” as set forth in the claimed combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2872

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313.

The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LAF  
June 24, 2004

  
MARK A. ROBINSON  
PRIMARY EXAMINER